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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,082	06/20/2003	Peter Moeller-Jensen	01750.0001-US-01	6903

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EXAMINER

SOTOMAYOR, JOHN B

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,082

Applicant(s)

MOELLER-JENSEN, PETER

Examiner

John B. Sotomayor

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-102 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 23-102 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 13SEP04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement filed October 26, 2004 has been considered. However, an initialed copy of the PTO-1449 by the Examiner could not be provided since a PTO-1449 was not provided.
2. The Information Disclosure Statement filed September 13, 2004 has been entered and considered. An initialed copy of the PTO-1449 by the Examiner is attached.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 23-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter, Jr. ('679) or Witte ('686) or Schussler et al ('644) or the publication to Zhifu et al or the admitted prior art in view of the publication to Raizer et al or the publication to Pohl et al.

According to the remarks filed September 13, 2004 Applicant argues that one of the differences between the prior art and the present invention is that the prior art does not show remote sensing of the water surface. The claims are considered to be too broad for the argued differences. For example, the claims recite remote sensing at two locations of a water surface. Clearly the prior art show remote sensing of a water surface at least at two location sites. The prior art shows determining the presence of an oil spill. The term "remotely monitoring" is broad in breadth and cannot be given patentable weight since the prior art shows remote monitoring of a water surface. The data gathered at the sites is used to determine the presence of an oil spill. Therefore Examiner maintains the rejection of the claims as follows.

Overall the claims are substantially met by Baxter, Jr. ('679) or Witte ('686) or Schussler et al ('644) or the publication to Zhifu et al or the admitted prior art that disclose various system arrangements for a system which detects oil spills. Clearly the prior art as exemplified by Baxter, Jr. ('679) or Witte ('686) or Schussler et al ('644) or the publication to Zhifu et al or the admitted prior art show variously mounted sensor systems including fixed platform, airborne platform, and ship borne platform. The use of remote satellites to aid in the detection of oil spills is also clearly shown in the prior art (see specifically Baxter, Jr. ('679) or Schussler et al ('644)). The prior art as admitted by Applicant (see page 2 of specification) includes a stationary platform mounted (a bridge) oil spill sensor system. It is also admitted that the combination of a radar and a microwave radiometer to detect oil spills is well known. Thus it is unclear,

given the breadth of the scope of the claims in the present application, exactly what Applicant considers to be his invention.

Raizer et al is applied to show specifically the use of radar and radiometer systems to detect oil spill. According to Raizer et al, the combination of the two systems will eventually permit estimation of the volume concentration of the oil spill.

The publication to Pohl et al specifically discloses remote sensing of a surface at multiple sites and fusing the data collected. Clearly the information is collected via satellite. Once collected, the data can obviously be transmitted to another site for further processing or analysis.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed combination of radar with radiometer sensors for the systems in Baxter, Jr. ('679) or Witte ('686) or Schussler et al ('644) or the publication to Zhifu et al or the admitted prior art as taught and as motivated by Raizer et al or the publication to Pohl et al to provide a system for detecting oil spills from a variety of platforms, i.e. fixed (whether on-shore or off-shore), airborne, ship-borne, satellite-borne, etc. The remaining claims are considered to be met by the references or are considered to be well known technical features. For example, LIDAR, IR, UV sensor systems, etc. are considered shown and well known in the art.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Sotomayor whose telephone number is 703-306-4170. The examiner can normally be reached on Monday to Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom H. Tarcza, can be reached on 703-306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "John B. Sotomayor".

John B. Sotomayor
Primary Examiner
Art Unit 3662